

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
February 8, 2000
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Frank Fairbanks, Phoenix, Chairman
Tim Ernster, Avondale
Joe Blanton, Buckeye
*Jon Pearson, Carefree
*Usama Abujbarah, Cave Creek
Lloyd Harrell, Chandler
*Maggie Reese, El Mirage
Paul Nordin, Fountain Hills
*Carl Stephani, Gila Bend
Urban Giff, Gila River Indian Community
Tami Ryall for Kent Cooper, Gilbert
Amy Rudibaugh for Martin Vanacour,
Glendale
Stephen Cleveland, Goodyear
*Luis Gonzales, Guadalupe
Horatio Skeete, Litchfield Park

Mike Hutchinson for Charles Luster, Mesa
Tom Martinsen, Paradise Valley
Terry Ellis, Peoria
Cynthia Seelhammer, Queen Creek
David Easchief, Salt River Pima-Maricopa
Indian Community
Dick Bowers, Scottsdale
Al DeShazo, Surprise
Gary Brown, Tempe
Ralph Velez, Tolleson
Fred Carpenter, Wickenburg
*Lloyce Robinson, Youngtown
Dick Wright for Mary Peters, ADOT
Tom Buick for David Smith, Maricopa County
Bryan Jungwirth for Ken Driggs, RPTA

*Those members neither present nor represented by proxy.

OTHERS PRESENT

Kevin Adam, Mesa
Cari Anderson, MAG
Eric Anderson, MAG
Lindy Bauer, MAG
Stuart Boggs, MAG
Rosemarie Martinez-Booth, Tolleson
Peggy Carpenter, Scottsdale
Corey Cox, MAG
Jim Creedon, Landry & Associates
William 'Blue' Crowley, Citizen
Valerie Day, MAG
Shannon Diamond, MAG
Shawn Dralle, ADOT
Chuck Eaton, ADOT

Terry Johnson, MAG
Mark McLaren, RPTA
Anne MacCracken, MAG
Matt Ortega, RPTA
Chris Plumb, MCDOT
Art Rullo, MAG
Audrey Skidmore, MAG
Dennis Smith, MAG
Mark Syracuse, Phoenix
Stephen Tate, MAG
Gordon Tyus, MAG
Chris Voigt, MAG
Shannon Wilhelmsen, Tempe

1. Call to Order

The meeting was called to order by Chairman Frank Fairbanks, Phoenix, at 12:00 p.m.

Chairman Fairbanks introduced proxies Dick Wright for Mary Peters from ADOT, Tami Ryall for Kent Cooper from Gilbert, Amy Rudibaugh for Marty Vanacour from Glendale, Tom Buick

for David Smith from Maricopa County, Mike Hutchinson for Charles Luster from Mesa, and Bryan Jungwirth for Ken Driggs from RPTA.

Chairman Fairbanks announced that for agenda item #10, Submission of Applications for the Transportation and Community and System Preservation Pilot Program, a summary of the grant request from the RPTA was at each place. For agenda item #12, Draft Revised MAG 1999 Serious Area Particulate Plan for PM-10, Maricopa County's commitment to Dust Control measures was at each place. For agenda item #13, Valley Vision 2025 Update, the report reflecting the two years of work by the Committee was at each place.

2. Approval of December 6, 1999, December 10, 1999 and January 5, 2000 Meeting Minutes

Chairman Fairbanks asked if there were any corrections to the minutes. Hearing none, he asked for a motion to approve.

Paul Nordin moved, Tom Buick seconded, and it was unanimously carried to approve the minutes of the December 6, 1999, December 10, 1999 and January 5, 2000 Management Committee meetings, as written.

3. Call to the Audience

Chairman Fairbanks stated that a timer is available to assist the public with their presentations. He noted that public comments have a three minute time limit. When two minutes have elapsed, the yellow light will come on notifying the speaker that they have one minute to sum up. At the end of the three minute time period, the red light will come on. He stated that for members of the audience who wish to speak, cards are available from the staff who will bring it to the Chairman. Public comment is provided at the beginning of the meeting for non-agenda items. Chairman Fairbanks noted that no public comment cards had been turned in.

4. Executive Director's Report

Dennis Smith explained that Mr. Bourey was not at the meeting due to illness. He said that Mr. Bourey would present the Executive Director's report at the next Management Committee meeting.

5. Approval of Consent Agenda

Chairman Fairbanks stated that public comment is provided at the beginning of the meeting for consent items. After hearing public comment, any member of the Committee may request that an item be removed from the consent agenda and considered individually. Chairman Fairbanks noted that agenda items #6, #7, and #8 were on the consent agenda.

Chairman Fairbanks noted that no public comment cards had been turned in. Chairman Fairbanks asked if any members had questions, discussion or requested removal of any item on the consent agenda.

Hearing none, Chairman Fairbanks asked for a motion to recommend approval of the consent agenda. Lloyd Harrell moved, Fred Carpenter seconded, and it was unanimously carried to recommend approval of consent agenda items #6, #7, and #8.

6. Park and Ride Lot Environmental Analysis

The Management Committee, by consent, recommended amending the FY 2000 MAG Unified Planning Work Program to contract with the Regional Public Transportation Authority for \$225,000 in MAG CMAQ funds to complete environmental analyses for park and ride lots in the vicinity of: (1) Gilbert Road and Union Pacific Railroad in Gilbert, (2) Power Road and US 60 in Mesa, and (3) Loop 101 and 59th Avenue in Glendale. In May 1999, the Regional Council approved the FY 2000 MAG Unified Planning Work Program (UPWP) and Annual Budget, including \$700,000 for park and ride lot implementation. Of this amount, \$370,000 was for a park and ride lot study to identify twenty sites. Of the remaining \$330,000 in funds, \$225,000 is needed to complete environmental analyses to ensure obligation of funds for three committed near term park and ride lots. Three lots have been programmed in the approved Transportation Improvement Program. Staff is recommending that MAG contract with the RPTA to complete the required environmental analyses for these three lots for an amount not to exceed \$225,000.

7. Amendment to the Unified Planning Work Program and Annual Budget for the 2000 Summer Ozone Education Program

The Management Committee, by consent, recommended amending the FY 2000 MAG Unified Planning Work Program and Annual Budget to include the FY 2000 Summer Ozone Education Program in an amount not to exceed \$300,000 and to recommend for MAG to contract with the RPTA to conduct the Program in partnership with MAG and the business community. In the Summer of 1999, MAG and the Regional Public Transportation Authority in a partnership with the business community, conducted a Summer Ozone Education Program. This program is important to help this region have no exceedances of the ozone standard for the fourth consecutive year. To conduct the Summer of 2000 program, in June 1999, the Regional Council approved \$300,000 in the FY 2000-2004 MAG Transportation Improvement Program (TIP). To begin preparing for the Summer program, staff is recommending that the FY 2000 MAG Unified Planning Work Program and Annual Budget be amended to include the funding from the TIP and to approve contracting with the RPTA to conduct the program in partnership with MAG and the business community.

8. Amendment to the FY 2000 Unified Planning Work Program and Annual Budget

The Management Committee, by consent, recommended amending the FY 2000 Unified Planning Work Program and Annual Budget. In May 1999, the Regional Council approved the FY 2000 Unified Planning Work Program and Annual Budget. Since that time adjustments to the Transportation Improvement Program have been approved by the Regional Council and adjustments from funding agencies have been received. In addition, funding for special projects has been received. To incorporate these changes into the budget, an amendment has been prepared. The amendment includes: an increase in FY 2000 PL funding from \$2,129,244 to \$2,145,684, or \$16,440; "It All Adds Up to Cleaner Air" grant of \$25,000; ADOT Pedestrian grant of \$10,000; Alternative Fuels grant of \$100,000; Governor's Domestic Violence grant of \$51,850.

9. Tentative Financing for the Superstition Freeway Design-Build Project

Eric Anderson stated that the Arizona Department of Transportation is proposing to advance the completion of the Superstition Freeway High Occupancy Vehicle lanes (HOV). He reviewed the project schedule. Mr. Anderson explained that the advancement of the project

would be accomplished through a design-build contract. He said that under a design-build contract, a single team is responsible for the design and construction of the project. The design-build results in earlier completion, which benefits users, less traffic disruption, potential for cost savings because engineers and contractors work together, and establishment of single source of responsibility for design and construction. Mr. Anderson said that the need to adjust funding to fit the cash flow and the possibility of higher project costs are possible disadvantages of design build projects.

Mr. Anderson stated that ADOT estimates that the Superstition project can be completed by approximately December 2003, or 24 months sooner using the design-build delivery process. He said that a Request for Qualifications would be sent out by ADOT, after which a short list is determined. Because of the cost of preparing detailed design-build proposals, ADOT is required by State law to reimburse firms who are short-listed and submit detailed bids. The rate of reimbursement is 0.2 percent of the expected contract, which may add up to \$2 million to the design-build project, if five firms are short-listed. The estimated cost of the HOV project is approximately \$244 million, the length of which was shortened 4.5 miles from Power Road to Val Vista Drive.

Mr. Anderson stated that the City of Mesa has requested that the general-purpose lanes from Price to Val Vista also be included as part of the design-build project. The general purpose lanes are included in the MAG Long-Range Transportation Plan for construction after the 2007 priority projects are completed. Mr. Anderson said that the estimated construction cost of these general-purpose lanes is \$10.9 million. Mesa is willing to pay the estimated \$2.6 million of interest cost to advance the completion of these lanes. The advancement of the general-purpose lanes represents an extension of the MAG Freeway Acceleration Policy to non-Regional Freeway System projects.

Mr. Anderson said that funding for the project is currently programmed in various amounts from 2000 through 2005. To construct the project on an accelerated design-build schedule, financing will be necessary to bridge the timing gap between when the funds are needed for the project and when the funds are programmed. ADOT estimates it would issue up to \$85 million in Grant Anticipation Notes (GANs). He explained that GANs are relatively short-term notes issued to investors and are paid back from future transportation federal funds pledged. The projected interest expense, depending on the interest rate, is approximately \$5.8 million for the HOV portion and \$2.6 million for the acceleration of the general-purpose lanes, which Mesa will pay. Mr. Anderson noted that no other projects would be impacted. The total estimated construction cost, including the general purpose lanes, from Price to Val Vista, is \$256 million.

Mr. Anderson stated that it is anticipated that changes to the Policy will be presented to the Management Committee and Regional Council in March. He said that final approval of the TIP and LRTP is anticipated for June or July.

Mr. Smith stated that because of the complexities of the design build of US 60, all of the elements of the project will be brought through the process to increase understanding.

Gary Brown asked if the design build anticipated to be brought forward for approval in March would stipulate the design features. Mr. Anderson replied that MAG is not involved in the design aspects of projects, just the dollar amounts and project limits in the TIP.

Gary Brown requested that the following be entered into the record. He referred to a letter from ADOT in response to the City of Tempe's position on the widening of US 60. Mr. Brown said that the letter states that ADOT will scale back the proposed widening on US 60 through Tempe to accommodate only widening for the HOV lane, auxiliary lanes between traffic interchanges and modest ramp widening for HOV bypasses or dual ramp meters.

Mr. Anderson stated that the material presented today was the acceleration of the project, not the project design. Mr. Bowers asked the role of MAG to address Tempe's issue. Mr. Anderson replied that MAG has not made recommendations on design issues. He indicated that MAG's role is to set overall priorities and develop the TIP. Chairman Fairbanks asked if there were additional questions.

Chairman Fairbanks announced the introductions of Tim Ernster, Interim Manager for Avondale, and Al DeShazo, Interim Manager for Surprise.

10. Submission of Applications for the Transportation and Community and System Preservation Pilot Program

Stuart Boggs stated that grants for Transportation and Community and System Preservation Pilot Program (TCSP) are authorized through TEA-21. He said that states, local governments and MPOs are eligible for funding which totals \$25 million this year. Mr. Boggs stated that grants are to be used for improving the efficiency of the transportation system, reducing the impacts of transportation on the environment, reducing the need for costly future public infrastructure, ensuring efficient access to jobs, services, and centers of trade, and encouraging private sector development patterns. Mr. Boggs said that the Regional Public Transit Authority (RPTA) submitted a \$180,000 TCSP grant request for a Valley Metro System Study. This project would assist RPTA in maximizing the investment which their local members make in public transportation and would reinforce local public sector partnerships in transit. The study would evaluate the efficiency and effectiveness of the region's transit system on a route by route basis across jurisdictional boundaries. In this way, future investment can be targeted to corridors which offer the best return on investment through such strategies as route integration, regionalization, and corridor implementation priorities. Mr. Boggs said that the Study conforms with FHWA planning factors and is in conformance with the MAG Transportation Planning Program.

Bryan Jungwirth stated that the Valley Metro System Study would assist in maximizing the investment made by members in public transportation and reinforces local public sector partnerships in transit. Mr. Jungwirth stated that by evaluating the efficiency and effectiveness of the transit system, the best return could be offered on future investments. He said that if the transit election is won in March 2000, improvements to the system may be accelerated. Mr. Jungwirth outlined the tasks included in the Study. He said that the Study would use \$180,000 in grant money, matched by \$45,000 in local funds.

Chairman Fairbanks thanked Mr. Boggs and Mr. Jungwirth for their presentations. He noted that this agenda item was for information only and asked if there were any questions.

11. Draft Revised MAG 1999 Serious Area Particulate Plan for PM-10

Lindy Bauer stated that the Draft Revised MAG 1999 Serious Area Particulate Plan for PM-10 has been prepared to address the approvability problem identified on November 9, 1999 by the

Environmental Protection Agency (EPA). According to EPA, the plan included a 90 percent compliance rate for Maricopa County's fugitive dust control rules in 2006, barely addressed dust on paved roads, and did not reduce dust on private unpaved roads. Ms. Bauer mentioned that if the plan cannot be approved by March 2, 2000, the first sanction will be imposed which involves two to one off-sets for major industrial sources. The EPA indicated that if the plan is not corrected by September 2, 2000, the second sanction will be imposed which involves the loss of federal highway funds.

Ms. Bauer stated that to address the approvability problem, the Regional Council amended the FY 2000-2004 MAG Transportation Improvement Program to include \$7.85 million for Maricopa County paving dirt road projects and \$3.8 million to purchase PM-10 certified street sweepers. The Maricopa County Board of Supervisors submitted a new commitment to address the approvability issues with the County dust control rules and to strengthen the enforcement to support an 80 percent compliance rate. The modeling for the plan was then revised accordingly for the attainment demonstration.

Ms. Bauer stated that Governor Hull requested that EPA shorten the four month approval process for the revised plan to avoid the sanctions. On December 17, 1999, EPA indicated that their review process would be shortened to three months. Under this schedule, the two to one offset sanctions, which impact utilities, would be in place for one month.

Ms. Bauer said that the draft revised plan was sent to EPA December 23, 1999 to begin the approval process. A public hearing on the draft plan was conducted on January 31, 2000. Ms. Bauer summarized the public comments from two individuals received at the hearing. A citizen expressed concern regarding the air quality impacts of the Squaw Peak on nearby homes. The Arizona Center for Law in the Public Interest commented that the plan should also include CARB diesel fuel, additional agricultural measures, a requirement to change-out uncertified wood stoves and fireplaces upon the sale of the home, and a 66 percent compliance rate for the Maricopa County Fugitive Dust Control Rules. On February 3, 2000, the MAG Air Quality Technical Advisory Committee reviewed the public comments and recommended adoption of the draft revised plan.

Ms. Bauer summarized the actions needed to forward the adopted plan to EPA as soon as possible. She said that it is anticipated that the recommendation from the Management Committee will be considered at the February 14, 2000 Regional Council Executive Committee meeting. If adopted by the Executive Committee, the revised plan would be forwarded to EPA. On February 23, 2000, the Regional Council would be requested to ratify the Executive Committee action.

Chairman Fairbanks asked Ms. Bauer if the analysis demonstrated that the plan was adequate. Ms. Bauer replied that the plan does demonstrate attainment, but barely. MAG staff closely coordinated with EPA on almost a daily basis to ensure that the revision would be approvable.

Chairman Fairbanks recognized public comment from Blue Crowley, who stated that he was unaware of the public meeting on January 31, 2000. Mr. Crowley noted that gas and diesel are both parts of the equation. He stated that using MTBE is a trade off because by getting clean air, the water is poisoned. Mr. Crowley commented about alleys being included in paving. He indicated that additional emphasis on bike, bus and pedestrian is needed. Mr. Crowley mentioned that airliners dumping jet fuel, which adds to the particulate problem, has not been addressed. For PM-10, look at 225's. He stated that additional outreach to the public on

solutions to the air quality problems is needed now that the mid phase hearings are coming up. Mr. Crowley stated that the Brown Cloud has now spread to Wickenburg and a regional solution is needed. Alternate modes of transportation are needed. He stated that those who came to the meeting in single occupant vehicles are a part of the problem. Chairman Fairbanks thanked Mr. Crowley for his comments.

Mr. Smith expressed thanks to the Air Quality staff for their efforts to complete the air quality plan. He mentioned that they worked very hard to prepare the Plan.

Fred Carpenter asked Ms. Bauer if implementation of CARB diesel required legislation. Ms. Bauer replied that was correct. She commented that the Legislature decided not to take action on CARB diesel. Chairman Fairbanks asked if there were further questions. Hearing none, he asked for a motion.

Dick Bowers moved, Stephen Cleveland seconded, and it was unanimously carried to recommend adoption of the Draft Revised MAG 1999 Serious Area Particulate Plan for PM-10.

12. Resolution to Support Legislation Authorizing Maricopa County to Impose Administrative Penalties for Violations of Dust Control Rules

Lindy Bauer stated that the City of Mesa is requesting that the Regional Council consider supporting legislation that would provide Maricopa County with the ability to issue administrative penalties for dust control violations. She explained that the resolution was designed to expedite enforcement. Ms. Bauer summarized two controversial bills, SB 1439 and SB 1480. SB 1439 includes administrative penalty language. SB 1480, on county regulatory reform, allows the County to enter into a mutually agreed settlement for monetary payment rather than proceeding to court for action. She mentioned the possibility that there may be an amendment proposed by the private sector to SB1439 to preempt the cities from regulating any permitted sources. Ms. Bauer said that the private sector is opposed to SB1439. Ms. Bauer stated that staff is recommending that a group of stakeholders be formed to discuss the issues and resolve issues. According to Maricopa County, the monetary payment approach in SB1480 has merit. The County has concerns with the administrative penalties bill SB 1439. However, there may be an amendment proposed to address these concerns. She stated that the resolution does not apply to the Gila River Indian Community because they are developing their own tribal air quality implementation plan.

Chairman Fairbanks asked for clarification of the resolution. Ms. Bauer replied that the resolution's intent is to support swift and certain remedy for dust control violations. Mr. Smith stated that the approach in the resolution could be refined from administrative fines to swift and certain remedy. He mentioned that approval of a revised resolution would give staff direction to form a stakeholders group to discuss solutions.

Chairman Fairbanks introduced Al Brown, Environmental Services for Maricopa County. Mr. Brown stated that there are problems on the language in SB1439. Chairman Fairbanks noted that the resolution does not support or oppose SB 1439 or SB 1480. He mentioned this would be discussed by the stakeholders. Al Brown stated that he has worked with the business communities that may be impacted by these bills. He noted that they are extremely sensitive to the wording "administrative penalties." He suggested using "mutual settlement" or "monetary payment." Chairman Fairbanks stated that the resolution calls for strong action. Al Brown commented that Maricopa County supports a timely and appropriate process for violations.

Mike Hutchinson stated that the City of Mesa drafted an amendment incorporating a revision to the “administrative penalty” terminology and has submitted it to the Legislature.

Chairman Fairbanks recognized public comment from Blue Crowley, who stated that private roads are not addressed in the resolution. He said that road shoulders should be paved as bike lanes. Mr. Crowley mentioned that the public should be a stakeholder. He said that the Brown Cloud report was based on Denver, not Phoenix and includes fireplace regulation as a solution to the particulate problem. Mr. Crowley stated that single occupant vehicle drivers contribute to the problem. All who have to breathe should be a part of the solution. Chairman Fairbanks thanked Mr. Crowley for his comments.

Chairman Fairbanks stated changes to the resolution: Delete section two. Section one, delete the wording “impose administrative penalties” and replace with the wording “swift and certain remedy.” He indicated that if we are going to improve air quality, the County must be able to take action. Chairman Fairbanks directed MAG staff and intergovernmental representatives to work with the interested parties on this issue to arrive at a solution to the problem. Stephen Cleveland noted that the “administrative penalties” language needs to be changed in the title of the resolution. Gary Brown mentioned that the word “impose” in section one should remain. Chairman Fairbanks noted that Mr. Brown was correct and “impose” would remain. Section one would include the wording, “impose swift and certain remedy.”

Paul Nordin asked if the reworded resolution would accurately reflect MAG’s position on penalties and would not preclude sanctions. Mr. Smith noted that at this point, the resolution was too specific and the rewording would provide some flexibility. He said that work will continue between now and the Regional Council meeting. Chairman Fairbanks stated that the language would include some type of sanctions. The intent of the resolution is to attain compliance in a swift and certain manner. Chairman Fairbanks stated support for the process needed to accomplish this compliance.

Lloyd Harrell moved to recommend approving a resolution that supports legislation to authorize Maricopa County to impose swift and certain remedy for violations of Fugitive Dust Control Rules. Mike Hutchinson seconded. Before a vote was taken, Chairman Fairbanks asked if there were additional questions.

Ralph Velez asked which language would have more clout legally. Chairman Fairbanks stated that the new wording is more broad and permits other forms of compliance. Hearing no further discussion, Chairman Fairbanks asked for a vote. The motion passed with Urban Giff not voting.

13. Valley Vision 2025 Update

Mr. Smith stated that the report reflecting two years of work by the Committee was at each place. He said that the next step is to complete the statistically valid survey, followed by refinement by the public/private partnership, then back to MAG for finalization and adoption. Mr. Bowers asked where the Vision Statement was in the document. Corey Cox replied that the Vision Statement is at the end of the document, on page 157. She mentioned that the Statement is composed of the vision goals that were taken to the 12 public forums. Mr. Brown asked about submitting comments to MAG. Mr. Smith replied that all comments are welcome.

Mr. Nordin expressed thanks to the Management Committee on behalf of the ACMA Board of Directors for changing the meeting day in order to accommodate the ACMA conference.

There being no further business, the meeting was adjourned at 1:00 p.m.

Chairman

Secretary